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NOTIFICATION

The following Bill together with the Statement of Objects and Reasons and the financial memorandum attached to it is published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208, read with Article 238, Clause (11) of the Constitution of India).

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

Legislature Secretariat,
Trivandrum, 18th July 1952.

THE TRAVANCORE-COCHIN MEDICAL PRACTITIONERS BILL

Preamble.

Whereas it is expedient to regulate the qualifications and provide for the registration of practitioners of modern and indigenous systems of medicine with a view to encourage the study and spread of such systems and to enact a law relating to medical practitioners generally in the State of Travancore-Cochin;

It is hereby enacted as follows:—

PART I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Travancore-Cochin Medical Practitioners Act, 1952.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the Government may by notification in the Gazette appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means the Board of Indigenous Systems of Medicine established under Section 39;

(b) "Chairman" means the chairman of the Board;

(c) "Council" means the Council of Modern Systems of Medicine established under Section 3;

(d) "Hospitals", "asylums", "infirmaries", "dispensaries", "clinics", "surgeries", "lying-in hospitals" "sanatoria", "nursing homes", "vaidyasalas", "dharmasalas", and other cognate expressions mean institutions where the methods of treatment carried on are those which are approved by the Council or the Board;

(e) "indigenous systems of medicine" means the Ayurvedic, Siddha and Unani Tibbi systems of medicine, whether supplemented or not by such modern advances as the Board may from time to time recognise;

(f) "medical school or college" means any institution where teaching or training in the art and science of healing for human ailments according to the modern or indigenous systems of medicine is imparted;

(g) "medical work" means practice of the healing art for human ailments of any sort by any measures by administration of medicines by natural channels;

Explanation 1. Attendance at delivery without the use of instruments is medical work.

Explanation II. Bone-setting is medical work only when no surgical procedure like cutting is involved and when the fracture is simple;

(h) "modern systems of medicine" means the Allopathic including Dentistry, and the Homeopathic systems of medicine;

(i) "practitioner" means any person ordinarily engaged in the practice of any of the modern or indigenous systems of medicine;

(j) "prescribed" means prescribed by rules or regulations made under this Act;

(k) "president" means the president of the Council;

(l) "qualified practitioner" means a practitioner holding a recognised qualification;

(m) "qualifying examination" means the examination prescribed by the Council or the Board for the purpose of conferring the right of registration under clause (iii) of sub-section (1) of Section 23 or clause (iii) of sub-section (1) of Section 59;

(n) "recognised qualification" means a qualification enumerated in Schedule I or Schedule II;

(o) "register" means a register of practitioners maintained under this Act;

(p) "registered practitioner" means a practitioner whose name is for the time being entered in a register or a practitioner who is deemed to be registered under this Act ;

(q) "Registrar" means the Registrar appointed under Section 19;

(r) "regulations" means regulations made by the Council or by the Board under this Act;

(s) "rules" means the rules made by the Government under this Act;

(t) "Schedule" means a Schedule to this Act;

(u) "Secretary" means the Secretary appointed under Section 55.

PART II

Modern Systems of Medicine

Establishment, incorporation and constitution of the Council.

3. (1) The Government shall by notification in the Gazette establish a Council to be called "the Council of Modern Systems of Medicine, Travancore-Cochin". Such Council shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

(2) The Council shall consist of eleven members who shall be appointed in the following manner, namely :—

(a) one member elected by the registered practitioners of the Faculty of Medicine, University of Travancore, from among themselves ;

(b) one member elected by the teachers of the Medical College, Trivandrum, who are registered practitioners of the Allopathic system of medicine from among themselves ;

(c) four members elected by the registered practitioners of the Allopathic system of medicine from among themselves ;

(d) two members elected by the registered practitioners of the Homeopathic system of medicine from among themselves ;

(e) one member elected by the registered dentists from among themselves ; and

(f) two members nominated by the Government.

(3) In making nominations under clause (f) of sub-section (2), the Government shall have due regard to the claims of women, of medical missions and of other groups of practitioners representatives of whom have not been elected by the electorates referred to in clauses (a) to (e) of that sub-section.

Nomination of members in default of election.

4. If any of the members mentioned in clauses (a) to (e) of sub-section (2) of Section 3 is not elected, the Government may nominate such qualified practitioners registered or deemed to be registered under this Part as they may deem fit; and the practitioners so nominated shall for the purposes of this Part be deemed to have been duly elected under clauses (a) to (e) of sub-section (2) of Section 3.

Qualification of members.

5. Every member of the Council shall be a registered practitioner and the holder of a recognised qualification enumerated in Schedule 1.

Nomination of members of first Council.

6. Notwithstanding anything contained in Sections 3, 4 and 5, in the case of appointments to the first Council made under this Part, all the members shall be nominated by the Government:

Provided that the members so nominated shall be holders of recognised qualifications enumerated in Schedule 1.

Disqualifications for membership.

7. A person shall be disqualified for being elected or nominated as, and for being, a member of the Council,—

(a) if he has not attained the age of majority;

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper;

(d) if he is convicted by a criminal court in India of an offence involving moral turpitude;

(e) if he has been punished by the Council or by the Travancore Medical Council in any manner for infamous conduct in the profession or if he is dismissed from service under the State Government or the Government of India or the Government of any State in India;

(f) if his name has been removed from the registers maintained under this Part and has not been reinstated;

(g) if having been elected under clause (a) of sub-section (2) of Section 3, he ceases to be a member of the Faculty of Medicine, University of Travancore;

(h) if having been elected under clause (b) of sub-section (2) of Section 3, he ceases to be a teacher of the Medical College, Trivandrum.

Term of office of members.

8. (1) Save as otherwise provided in this Part, the term of office of the members of the Council shall be for a period of five years commencing from the date on which the first meeting of the Council is held.

(2) An outgoing member shall continue in office until the election or nomination, as the case may be, of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

President and vice-president.

9. (1) The Council shall elect one of its members to be its president and also another member other than the president to be its vice-president:

Provided that the president of the first Council shall be nominated by the Government.

(2) The president shall be deemed to have vacated his office on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

(3) The vice-president shall be deemed to have vacated his office—

(a) on the expiry of his term of office as a member or his otherwise ceasing to be a member; and

(b) on his election as president.

(4) When the office of the president is vacant, the vice-president shall exercise the functions of the president until a new president assumes office.

(5) An out-going president or vice-president is eligible for re-election.

Explanation.—A new president or vice-president shall be deemed to have assumed office on his being declared elected as such.

10. If a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the term of his office, the vacancy shall be filled in the manner prescribed by rules. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in Section 8, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred:

Vacancies.

Provided that it shall be lawful for the Council to exercise its powers under this Part during the period of such vacancy.

11. All appointments of the president, vice-president, members of the Council and the Registrar shall be notified in the Gazette.

Appointments to be notified in the Gazette.

12. A member of the Council shall be deemed to have vacated his seat :—

Cessation of membership.

(a) on the expiry of the term of office;

(b) on resignation;

(c) on absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council; or

(d) on becoming subject to any of the disqualifications mentioned in Section 7.

13. Any member or vice-president may at any time resign his office by giving notice to the president; the president may resign his office by giving notice to the Council. Such resignation shall take effect in the case of a member or vice-president from the date on which it is received by the president and in the case of the president from the date on which it is placed before the Council.

Resignation of membership.

14. No disqualification of or defect in the election or nomination of any person acting as a member of the Council or as president or vice-president or presiding member of a meeting shall be deemed to vitiate any act or proceeding of the Council in which such person has taken part.

Validity of proceedings

15. The Council shall meet at such time and place and every meeting of the Council shall be summoned by such person and in such manner as may be prescribed by regulations:

Time and place of meeting of Council.

Provided that until such regulations are made, it shall be lawful for the president to summon a meeting of the Council at such time and place as he may deem expedient by letter addressed to each member.

16. (1) Every meeting of the Council shall be presided over by the president; in his absence by the vice-president; and in the absence of both the president and the vice-president by a member chosen by the meeting to preside for the occasion.

Presidency at meetings of Council and procedure thereat.

(2) The president shall preserve order and shall decide all points of order at or in connection with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall be final.

(3) The vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

(4) All questions at a meeting of the Council shall be decided by the votes of the majority of the members present and voting at the meeting. Five members shall form a quorum. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same day in the following week at the same time and place and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall form a quorum.

(5) At every meeting of the Council, the president shall, in addition to his vote as a member of the Council, have a second or casting vote in case of an equality of vote.

17. There shall be paid to the president, vice-president and the other members of the Council such fees and allowances for attendance in connection with the meetings of the Council or of any committee thereof and such reasonable travelling allowances as shall from time to time be prescribed by rules.

Payment of fees and allowances.

Executive committee.

18. The Council shall have power to appoint an executive committee and other committees from among its members of which the quorum shall be not less than three, and to delegate to such committee such of the powers and duties vested in the Council as the Council may see fit, other than those provided by Sections 19 and 21.

Registrar.

19. (1) The Council shall appoint with the previous approval of the Government a Registrar who shall be the Secretary to the Council. He shall also be the Secretary to the committee appointed under sub-section (1) of Section 21. The Registrar shall receive such salary and allowances as may be prescribed by rules. The Council may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Part.

(2) Any order of the Council punishing or removing a Registrar from office shall not take effect without the previous approval of the Government.

(3) The Council may appoint or employ such other officers and servants as it may deem necessary for the purposes of this Part:

Provided that the number and designations of such officers and servants and their salaries and allowances shall be subject to the previous approval of the Government:

Provided further that the conditions of service and the method of recruitment of such officers and servants shall be such as may be prescribed by rules.

(4) All questions of pay, allowances, promotions, leave, pension, gratuity and provident fund relating to the officers and servants appointed or employed under sub-section (3) shall be governed by the rules applicable to officers and servants of the Government.

(5) All officers and servants appointed or employed under sub-section (3) shall be under the direct control and supervision of the Registrar. The powers of the Registrar to punish, dismiss, discharge and remove any such officer or servant, shall be governed by such rules as may be framed by the Government in this behalf.

(6) All officers and servants appointed or employed under sub-sections (1) and (3) shall be deemed to be

public servants within the meaning of Section 21 of the Indian Penal Code.

Duties of Registrar.

20. (1) Subject to the provisions of this Part and subject to any general or special order of the Council, it shall be the duty of the Registrar to keep the registers.

(2) There shall be separate registers for each modern system of medicine. The registers shall be in such form as may be prescribed by rules. Each register shall be divided into two parts A and B, Part A containing the names of candidates holding a recognised qualification and Part B containing the names of those registered by virtue of clauses (ii) and (iii) of sub-section (1) of Section 23. The registers shall contain the names, residence and qualifications of every practitioner registered or deemed to be registered under this Part together with the date on which such qualifications were acquired.

(3) The Registrar shall keep the registers correct in accordance with the provisions of this Part and the rules and regulations made thereunder, and shall remove from the registers the names of registered practitioners who shall have died or whose names are directed to be removed from the registers under Sections 27, 33 and 35 and shall also from time to time make the necessary alterations in the addresses and qualifications of practitioners registered or deemed to be registered under this Part.

(4) For the purposes of this section, the Registrar may write by registered post to any registered practitioner at the address which is entered in the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is received to the said letter within six months, the Registrar may remove the name of the said practitioner from the register :

Provided that the Council may, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner, direct that his name be re-entered in the register.

(5) The registers shall be deemed to be public documents under Section 74 of the Indian Evidence Act.

Framing of regulations and procedure for amendment thereof.

21. (1) As soon as the first Council is formed, it shall appoint a committee of five members of whom three shall be elected. The Registrar of the Council and the Secretary to Government, Education, Health and Local Self Government Department, shall be *ex-officio* members of the committee. Three members shall form the quorum for the committee.

(2) The committee shall draw up the regulations under this Part. All regulations framed by the committee shall be placed before the Council for its consideration and with the modifications, if any, made by the Council, shall be submitted to the Government for approval.

(3) It shall be competent to the Council to delete, add to, modify or alter all or any of the regulations. A proposal for such deletion, addition, modification or alteration shall not be taken into consideration unless twenty five or more registered practitioners petition the Council and demand the same. Such changes shall not be deemed to have been effected by the Council unless not less than seventy five per cent of the members present at the meeting of the Council vote in favour of the same.

Default of Council.

22. (1) If at any time it shall appear to the Government that the Council has failed to exercise or has exceeded or abused any of the powers conferred on it by or under this Part, or has failed to perform any of the duties imposed upon it by or under this Part, the Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the Government may fix in this behalf, the Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such person and for such period as it may think fit, and thereupon the funds and property of the Council shall vest in the Government for the purposes of this Part until a new Council shall have been constituted under Section 3.

(2) When the Government have dissolved the Council under sub-section (1), it shall take steps as soon as may be convenient to constitute a new Council under Section 3; and thereupon the property and funds referred to in sub-section (1) shall vest in the Council so constituted.

Registration.

Eligibility for registration.

23. (1) Subject to the provisions of sub-sections (2) and (5),—

(i) every holder of a recognised qualification enumerated in Schedule I,

(ii) every person who, within the period of one year or such other longer period as may be fixed by the Government from the date on which this Act comes into force, proves that he has been in regular practice as a

practitioner for a period of not less than ten years preceding the date on which he makes the application for being registered as a practitioner under this Part, and

(iii) every person who has passed a qualifying examination prescribed by the Council,

shall be eligible for registration under this Part :

Provided however that no practitioner shall be registered under clause (ii) after the expiration of one year, or such other longer period as may be fixed by the Government, from the date on which this Act comes into force.

(2) Applicants for registration under clause (ii) of sub-section (1) shall produce a certificate in Form I as set forth in Schedule I. The certificate shall be from an officer of the Revenue Department not below the rank of a Tahsildar or any other person authorised by the Government in this behalf.

(3) The Government may, after consulting the Council, permit the registration of any person who shall furnish to the Council proof that he is possessed of a medical degree, diploma or certificate of any University, medical school or college approved by the Council other than those mentioned in Schedule I.

(4) The Government shall have power to direct the registration of any practitioner who at the time of registration under this section is employed in a hospital, asylum, infirmary, clinic, surgery, lying-in-hospital, sanatorium or nursing home managed by any corporate body:

Provided however that no such practitioner shall be registered under this sub-section after the expiration of one year, or such other longer period as may be fixed by the Government, from the date on which this Act comes into force.

(5) No person shall be eligible for registration under sub-section (1), sub-section (3) or sub-section (4) if he is subject to any of the disqualifications mentioned in clauses (a) to (f) of Section 7.

Registration fee.

24. (1) An application for registration under this Part shall be in Form II as set forth in Schedule I accompanied by a fee of Rs. 20.

(2) Every registered practitioner who applies to the Registrar for registration in respect of any additional

recognised qualification obtained subsequent to registration under this Part shall pay a fee of Rs. 5.

(3) Nothing in sub-section (1) or sub-section (2) shall be deemed to apply to any person whose name has been registered for the primary or additional recognised qualification, as the case may be, under any enactment for the registration of practitioners in any modern system of medicine for the time being in force in any State in India, if the said enactment provides for the registration of persons registered or deemed to be registered under this Part without the payment of any fee for the primary or additional recognised qualification, as the case may be.

(4) The Registrar shall issue to the applicant a certificate in such form and containing such particulars as may be prescribed by rules.

Practitioners registered under the Travancore Medical Practitioners' Act, 1119.

25. (1) Every practitioner in any modern system of medicine shall be deemed to be a practitioner in that system registered under this Part, if at the commencement of this Act, his name stands entered in the register maintained under the Travancore Medical Practitioners' Act, 1119.

(2) Every such practitioner shall be entitled to be registered under this Part, without an application and without payment of any fee and the Registrar shall, as soon as may be after the commencement of this Act, register the names of such practitioners in the appropriate registers maintained under this Part.

(3) Every certificate of registration issued under the Travancore Medical Practitioners' Act, 1119 to any such practitioner as is referred to in sub-section (1) shall be deemed to be a certificate of registration issued under this Part.

Application for registration.

26. (1) All applications for registration under Section 23 shall be sent direct to the Registrar.

(2) The Registrar shall place all applications under this section before the committee of the Council appointed for the purpose for its report.

(3) The report of the committee under sub-section (2) shall be placed before the Council for its decision.

27. (1) The name of any person who becomes subject to any of the disqualifications mentioned in clauses (b) to (e) of Section 7 shall be liable to be removed altogether or for a specified period from the register:

Removal from registers.

Provided that the Council may, on sufficient cause being shown, direct that the name of the practitioner so removed shall be re-entered in the register.

(2) The name of no practitioner shall be removed from the register on the ground of his association in any professional respect with an unregistered practitioner for consultation if such unregistered practitioner is possessed of any of the recognised qualifications enumerated in Schedule I:

Provided that the registered practitioner shall not be relieved of any obligations or compliance with any rules of conduct which may be imposed upon registered practitioners generally by the Council.

28. Any practitioner not registered or deemed to be registered under this Part, but registered in any other State in India shall obtain the previous permission of the Council for practising as a medical practitioner in the State on payment of such fee as may be prescribed by rules.

Practitioners not registered in Travancore-Cochin.

29. (1) Any practitioner registered or deemed to be registered under this Part may make an application to the Council for the removal of his name from the register of practitioners and the Council may on such application direct such removal:

Resignation of registered practitioner.

Provided that no application from such practitioner for the removal of his name from the register shall be considered during the pendency of any disciplinary proceedings against him, or in case any disciplinary proceedings are contemplated against him, until such proceedings are commenced and concluded:

Provided further that if any such application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the Council, had his name continued to remain on the register, it shall be rejected.

(2) A practitioner whose name has been removed from the register under sub-section (1) may on application being made and on payment of the prescribed fee get

himself re-registered if he is at that time eligible for registration under this Part.

30. (1) The Registrar shall in every year on or before the date to be fixed by the Council cause to be published in the Gazette a full or supplementary list of the names and qualifications of all practitioners registered or deemed to be registered under this Part and the dates when such qualifications were acquired.

Annual list of practitioners.

(2) The Registrar shall from time to time cause to be published in the Gazette the names of such practitioners which have been duly removed under any of the provisions of this Part.

(3) In any proceeding it shall be presumed that every person whose name is entered in the list published under sub-section (1) is a registered practitioner and that any person whose name is not so entered is not a registered practitioner:

Provided that in the case of a person whose name has been entered in the register after the publication of the list, a certified copy signed by the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under this Part. Such certificate shall be issued free of charge.

31. (1) No practitioner registered or deemed to be registered under this Part who has not undergone a course of practical training in surgery and obstetrics under any modern system of medicine to the satisfaction of the council shall do any work other than medical work.

Disability.

(2) No registered practitioner shall follow any other profession without the sanction of the Council so long as his name continues in the register.

32. Notwithstanding anything contained in any law for the time being in force—

Privileges.

(1) the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or words importing a person recognised by law as a medical practitioner or member of the medical profession when used in any enactment for the time being in force in the State shall be construed to mean a qualified practitioner registered or deemed to be registered under this Part.

(2) No certificate required by law to be given by a medical practitioner shall be valid unless it is signed by a

qualified practitioner registered or deemed to be registered under this Part and approved by the Government in this behalf.

(3) No person other than a qualified practitioner registered or deemed to be registered under this Part shall be eligible to hold after one year from the commencement of this Act any appointment as a physician, surgeon or other medical officer in any dispensary, hospital, infirmary, clinic, surgery, lying-in hospital, sanatorium, nursing home or other similar institution :

Provided that this sub-section shall not be deemed to operate against a registered practitioner not being the holder of a recognised qualification who at the commencement of this Act holds any such appointment.

Appeal to the Council from the decision of the Registrar.

33. (1) Any person aggrieved by the decision of the Registrar regarding any entry in the register may appeal to the Council.

(2) Such appeal shall be heard and decided by the Council in the manner prescribed by regulations.

(3) The Council may, of its own motion or on the application of any person, after due and proper inquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if in the opinion of the Council, such entry was fraudulently or incorrectly made.

Appeal to Government from the decision of the Council.

34. An appeal shall lie to the Government from every decision of the Council under Sections 26, 27, 28 and 33. Such appeal shall be preferred within three months from the date on which notice of the order of the Council was issued in such manner and subject to such conditions as may be prescribed by rules.

Alteration of register by Government.

35. The Government may after giving due notice to the person concerned and to the Council and after inquiry into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Government to have been fraudulently or incorrectly made or brought about be cancelled or amended.

36. (1) An inquiry under Section 33 may be held by a committee consisting of three members of the Council elected for the purpose. The Council or the committee, as the case may be, may at its discretion hold such inquiry in camera.

Inquiries.

(2) When the inquiry is held by a committee, it shall make a report to the Council which shall pass orders under Section 33.

(3) The inquiries under this section shall be conducted in such manner and subject to such conditions as may be prescribed by rules.

37. (1) The Government may after previous publication make rules to carry out all or any of the purposes of this Part not inconsistent therewith.

Rules.

(2) In particular and whithout prejudice to the generality of the foregoing power, the Government may make rules—

(*a*) with reference to all matters expressly required or allowed by this Part to be prescribed by rules ;

(*b*) with reference to all matters not expressly provided for in this Part relating to the elections of president and vice-president or members including election petitions and deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited:

Provided that the deposit required shall not exceed fifty rupees;

(c) as to the manner in which vacancies shall be filled under Section 10;

(d) as to the fees and other allowances payable to the chairman, vice-chairman and the other members of the Council under Section 17;

(e) as to the salary, allowances and other conditions of service of the Registrar under Section 19;

(f) as to the salary, allowances and other conditions of service and the method of recruitment of the officers and servants of the Council appointed or employed under Section 19;

(g) as to the powers of the Registrar to punish the officers and servants appointed or employed under Section 19;

(h) as to the form of the registers and the particulars to be entered therein under Section 20;

(i) as to the application of the fees and other amounts received under this Part;

(j) as to the form of the certificate to be issned under Section 24 and the particulars which it shall contain;

(k) as to the procedure relating to appeal to the Government from the decisions of the Conncil under Section 34;

(l) as to the procedure relating to inquiries under this Part and as to tho manner in which and the conditions subject to which such inquiries shall be conducted;

(m) as to the furtherance of any of the objects of the Council.

(3) All rules made under this section shall be published in the Gazette.

Regulations.

38. (1) The Council may with the previous sanction of the Government make regulations not inconsistent with this Part or the rules made thereunder for all or any of the following matters, namely:—

(a) the time and place at which the Council shall hold its meetings and the manner in which such meetings shall be convened and held;

(b) the course of study for training for the qualifying examination and the language in which such examination shall be conducted and instructions shall be given under clause (iii) of sub-section (1) of Section 23;

(c) the manner in which appeals against the decisions of the Registrar shall be heard by the Council under Section 33;

(d) all other matters which may be necessary for the purposes of carrying out the objects of this Part.

(2) All regulations made under this section and duly confirmed by the Government shall be published in the Gazette.

(3) The Government may by notification in the Gazette cancel any such regulations.

PART III.

Indigenous Systems of Medicine.

Establishment, constitution and incorporation of the Board.

39. (1) The Government shall by notification in the Gazette establish a Board to be called "the Board of Indigenous Systems of Medicine, Travancore—Cochin". Such Board shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

(2) The Board shall consist of eleven members who shall be appointed in the following manner, namely:—

(a) one member elected by the registered practitioners of the Faculty of Ayurveda, University of Travancore from among themselves;

(b) one member elected by the teachers of the Ayurveda College, Trivandrum, who are registered practitioners of the Ayurvedic system of medicine from among themselves;

(c) four members elected by the registered practitioners of the Ayurvedic system of medicine from among themselves;

(d) two members elected by the registered practitioners of the Siddha system of medicine from among themselves;

(e) one member elected by the registered practitioners of the Unani Tibbi system of medicine from among themselves;

(f) two members nominated by the Government, one from among the registered practitioners of the Ayurvedic system of medicine and the other from among the registered practitioners of the Siddha system of medicine:

Provided that if there are not at least twenty five registered practitioners in any of the indigenous systems of medicine, the Government shall nominate a member in respect of that system from among the registered practitioners of that system.

(3) (a) Notwithstanding anything contained in sub-section (2), the Government may by notification in the Gazette direct that the Board shall consist of less than eleven members if there are no qualified registered practitioners in any of the indigenous systems of medicine to be elected from among them.

(b) No act done by the Board shall be deemed to be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board.

Nomination of members in default of election.

40. (1) If any of the members mentioned in clauses (a) to (e) of sub-section (2) of Section 39 is not elected, the Government may nominate such qualified practitioners registered or deemed to be registered under this Part as they may deem fit; and the practitioners so nominated shall for the purposes of this Part be deemed to

have been duly elected under clauses (a) to (e) of sub-section (2) of Section 39.

Qualification of members.

41. Every member of the Board shall be a registered practitioner and the holder of a recognised qualification enumerated in Schedule II.

Nomination of members of first Board.

42. Notwithstanding anything contained in Sections 39, 40 and 41, in the case of appointments to the first Board, all the members shall be nominated by the Government:

Provided that the members so nominated shall be holders of recognised qualifications enumerated in Schedule II.

Disqualification for membership.

43. A person shall be disqualified for being elected or nominated as, and for being, a member of the Board,—

(a) if he has not attained the age of majority;

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper;

(d) if he is convicted by a criminal court in India of an offence involving moral turpitude;

(e) if he has been punished by the Board or by the Travancore Medical Council in any manner for infamous conduct in the profession or if he is dismissed from service under the State Government or the Government of India or the Government of any other State in India;

(f) if his name has been removed from the register maintained under this Part and has not been reinstated;

(g) if, having been elected under clause (a) of sub-section (1) of Section 39, he ceases to be a member of the Faculty of Ayurveda, University of Travancore;

(h) if, having been elected under clause (b) of sub-section (1) of Section 39, he ceases to be a member of the teaching staff of the Ayurveda College, Trivandrum.

Term of office of members.

44. (1) Save as otherwise provided in this Part, the term of office of the members of the Board shall be for a period of five years commencing from the date on which the first meeting of the Board is held.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

Vacancies.

45. If a vacancy occurs in the office of a member of the Board through death, resignation, removal or disability of such member or otherwise previons to the expiry of the term of his office, the vacancy shall be filled in the manner prescribed by rules. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in Section 44, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred:

Provided that it shall be lawful for the Board to exercise its powers under this Part during the period of such vacancy.

Chairman and vice-chairman.

46. (1) The Board shall elect one of its members to be its chairman and also elect another member other than the chairman to be its vice-chairman:

Provided that the chairman of the first Board shall be nominated by the Government.

(2) The chairman shall be deemed to have vacated his office on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

(3) The vice-chairman shall be deemed to have vacated his office—

(a) on the expiry of his term of office as a member or on his otherwise ceasing to be a member; and

(b) on his election as chairman.

(4) When the office of the chairman is vacant, the vice-chairman shall exercise the functions of the chairman until a new chairman assumes office.

(5) An ontgoing chairman or vice-chairman is eligible for re-election.

Explanation: A new chairman or vice-chairman shall be deemed to have assumed office on his being declared elected as such.

Appointments o be notified in the Gazette.

47. All appointments of the chairman, vice-chairman, members of the Board and the Secretary shall be notified in the Gazette.

48. A member of the Board shall be deemed to have vacated his seat,

Cessation of membership.

(a) on the expiry of his term of office;

(b) on resignation;

(c) on absence without excuse sufficient in the opinion of the Board from three consecutive meetings of the Board; or

(d) on becoming subject to any of the disqualifications mentioned in Section 43.

49. The vice-chairman or any member may at any time resign his office by giving notice to the chairman; the chairman may resign his office by giving notice to the Board. Such resignation shall take effect in the case of the vice-chairman or a member from the date on which it is received by the chairman and in the case of the chairman from the date on which it is placed before the Board.

Resignation of membership.

50. No disqualification of or defect in the election or nomination of any person acting as chairman, vice-chairman or presiding member of a meeting shall be deemed to vitiate any act or proceeding of the Board in which such person has taken part.

Validity of proceedings.

51. The Board shall meet at such time and place and every meeting of the Board shall be summoned by such person and in such manner as may be prescribed by regulations:

Time and place of meetings of Board.

Provided that until regulations are made, it shall be lawful for the chairman to summon a meeting of the Board at such time and place as he may deem expedient by letter addressed to each member.

52. (1) Every meeting of the Board shall be presided over by the chairman, in his absence by the vice-chairman, and in the absence of both the chairman and the vice-chairman by a member chosen by the meeting to preside for the occasion.

Presidency at meetings of Board and procedure thereat.

(2) The chairman shall preserve order and shall decide all points of order at or in connection with meetings. There shall be no discussion on any point of order and the decision of the chairman on any point of order shall be final.

(3) The vice-chairman or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the chairman.

(4) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting. Five members shall form a quorum. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same day in the following week at the same time and place and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall form a quorum.

(5) At every meeting of the Board, the chairman shall, in addition to his vote as a member of the Board, have a second or casting vote in case of an equality of vote.

Payment of fees and allowances.

53. There shall be paid to the chairman, vice-chairman and the other members of the Board such fees and allowances for attendance in connection with the meetings of the Board or of any committee thereof and such reasonable travelling allowance as shall from time to time be prescribed by rules.

Executive committee.

54. The Board shall have power to appoint an executive committee and other committees from among its members of which the quorum shall not be less than three and to delegate to such committees such of the powers and duties vested in the Board, as the Board may see fit, other than those provided by Sections 55 and 57.

Secretary.

55. (1) The Board shall appoint with the previous approval of the Government a Secretary to the Board. He shall also be the Secretary to the committee appointed under sub-section (1) of Section 57. The Secretary shall receive such salary and allowances as may be prescribed by rules. The Board may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Secretary shall be deemed to be the Secretary for the purposes of this Part.

(2) Any order of the Board punishing or removing a Secretary from office shall not take effect without the previous approval of the Government.

(3) The Board may appoint or employ such other officers and servants as it may deem necessary for the purposes of this Part :

Provided that the number and designations of such officers and servants and their salaries and allowances shall be subject to the previous approval of the Government :

Provided further that the conditions of service and the method of recruitment of such officers and servants shall be such as may be prescribed by rules.

(4) All questions of pay, allowances, promotions, leave, pension and gratuity and provident fund relating to the officers and servants appointed or employed under sub-section (3) shall be governed by the rules applicable to officers and servants of the Government.

(5) All officers and servants appointed or employed under sub-section (3) shall be under the direct control and supervision of the Secretary. The powers of the Secretary to punish, dismiss, discharge and remove any such officer or servant shall be governed by such rules as may be framed by the Government in this behalf.

(6) All officers and servants appointed or employed under sub-sections (1) and (3) shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

Duties of Secretary.

56. (1) Subject to the provisions of this Part and subject to any general or special order of the Board, it shall be the duty of the Secretary to keep the registers.

(2) There shall be separate registers for each indigenous system of medicine. The registers shall be in such form as may be prescribed by rules. Each register shall be divided into two parts A and B, Part A containing the names of candidates holding a recognised qualification and Part B containing the names of those registered by virtue of clauses (ii) and (iii) of sub-section (1) of Section 59. The registers shall contain the names, residence and qualifications of every practitioner registered or deemed to be registered under this Part together with the date on which such qualifications were acquired.

(3) The Secretary shall keep the registers correct in accordance with the provisions of this Part and the rules and regulations made thereunder, and shall remove from the registers the names of registered practitioners who shall have died or whose names are directed to be

removed from the registers under Sections 63, 69 and 71 and shall also from time to time make the necessary alterations in the addresses and qualifications of practitioners registered or deemed to be registered under this Part.

(4) For the purposes of this section, the Secretary may write by registered post to any registered practitioner at the address which is entered in the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is received to the said letter within six months, the Secretary may remove the name of the said practitioner from the register :

Provided that the Board may, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner, direct that his name be re-entered in the register.

(5) The registers shall be deemed to be public documents under Section 74 of the Indian Evidence Act.

Duties, powers and privileges of the Board.

57. (1) As soon as the first Board is formed, it shall appoint a committee of five members of whom three shall be elected. The Secretary to the Board and the Secretary to Government, Education, Health, and Local Self-Government Department shall be *ex-officio* members of the committee. Three members shall form the quorum for the committee.

(2) The committee shall draw up the regulations under this Part. All regulations framed by the committee shall be placed before the Board for its consideration and with the modifications, if any, made by the Board, shall be submitted to the Government for approval.

(3) It shall be competent to the Board to delete, add to, modify or alter all or any of the regulations. A proposal for such deletion, addition, modification or alteration shall not be taken into consideration unless twentyfive or more registered practitioners petition the Board and demand the same. Such changes shall not be deemed to have been effected by the Board unless not less than seventy five per cent. of the members present at the meeting of the Board vote in favour of the same.

Default of Board.

58. (1) If at any time it shall appear to the Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred on it by or under this Part or has failed to perform any of the duties imposed upon it by or under this Part, the Government may, if it considers such

failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such default, excess or abuse, within such time as the Government may fix in this behalf, the Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period as it may think fit, and thereupon the funds and property of the Board shall vest in the Government for the purposes of this Part until a new Board shall have been constituted under Section 39.

(2) When the Government has dissolved the Board under sub-section (1), it shall take steps as soon as may be convenient to constitute a new Board under Section 39; and thereupon the property and funds referred to in sub-section (1) shall vest in the Board so constituted.

REGISTRATION.

59. (1) Subject to the provisions of sub-sections (2) and (5),—

Eligibility for registration.

(i) every holder of a recognised qualification enumerated in Schedule II,.

(ii) every person who, within the period of one year or such other longer period as may be fixed by the Government from the date on which this Act comes into force, proves that he has been in regular practice as a practitioner for a period of not less than ten years preceding the date on which he makes the application for being registered as a practitioner under this Part, and

(iii) every person who has passed a qualifying examination prescribed by the Board

Shall be eligible for registration under this Part:

Provided however that no practitioner shall be registered under clause (ii) after the expiration of one year, or such other longer period as may be fixed by the Government, from the date on which this Act comes into force.

(2) Applicants for registration under clause (ii) of sub-section (1) shall produce a certificate in Form I as set forth in Schedule II. The certificate in Form I shall be from an officer of the Revenue Department not below the rank of a Tahsildar or any other person authorised by the Government in this behalf.

(3) The Government may, after consulting the Board, permit the registration of any person who shall furnish

to the Board proof that he is possessed of a medical degree, diploma or certificate of any University, medical school or college approved by the Board other than those mentioned in Schedule II.

(4) The Government shall have power to direct the registration of any practitioner who at the time of registration under this section is employed in a hospital, asylum, infirmary, clinic, surgery, lying-in-hospital, sanatorium, nursing home, vaidyasala or dharmasala managed by any corporate body;

Provided however that no such practitioner shall be registered under this sub-section after the expiration of one year, or such other longer period as may be fixed by the Government, from the date on which this Act comes into force.

(5) No person shall be eligible for registration under sub-section (1), sub-section (3) or sub-section (4) if he is subject to any of the disqualifications mentioned in clauses (a) to (f) of Section 43.

Registration fee.

60. (1) An application for registration under this Part shall be in form II as set forth in Schedule II accompanied by a fee of Rs. 20.

(2) Every registered practitioner who applies to the Secretary for registration in respect of any additional recognised qualification obtained subsequent to registration under this Part shall pay a fee of Rs. 5.

(3) Nothing in sub-section (1) or sub-section (2) shall be deemed to apply to any person whose name has been registered for the primary or additional recognised qualification, as the case may be, under any enactment for the registration of practitioners in any indigenous system of medicine for the time being in force in any State in India, if the said enactment provides for the registration of practitioners registered or deemed to be registered under this Part without the payment of any fee for the primary or additional recognised qualification, as the case may be.

(4) The Secretary shall issue to the applicant a certificate in such form and containing such particulars as may be prescribed by rules.

Practitioners registered under the Travancore Medical Practitioners' Act, 1119.

61. (1) Every practitioner in any indigenous system of medicine shall be deemed to be a practitioner in that system registered under this Part, if at the commencement of this Act, his name stands entered in the register maintained under the Travancore Medical Practitioners' Act, 1119.

(2) Every such practitioner shall be entitled to be registered under this Part without an application and without the payment of any fee, and the Secretary shall as soon as may be after the commencement of this Act, register the names of such practitioners in the appropriate registers maintained under this Part.

(3) Every certificate of registration issued under the Travancore Medical Practitioners' Act, 1119 to any such practitioner as is referred to in sub-section (1) shall be deemed to be a certificate of registration issued under this Part.

Application for registration.

62. (1) All applications for registration under Section 59 shall be sent direct to the Secretary.

(2) The Secretary shall place all applications under this section before the committee of the Board appointed for the purpose for its report.

(3) The report of the committee under sub-section (2) shall be placed before the Board for its decision.

Removal from registers.

63. (1) The name of any person who becomes subject to any of the disqualifications mentioned in clauses (b) to (e) of Section 43 shall be liable to be removed altogether or for a specified period from the register:

Provided that the Board may, on sufficient cause being shown, direct that the name of the practitioner so removed shall be re-entered in the registers.

(2) The name of no practitioner shall be removed from the register on the ground of his association in any professional respect with an unregistered practitioner for consultation if such unregistered practitioner is possessed of any of the recognised qualifications enumerated in Schedule II:

Provided that the registered practitioner shall not be relieved of any obligations or compliance with any rules of conduct which may be imposed upon registered practitioners generally by the Board.

Practitioners not registered in Travancore - Cochin.

64. Any practitioner not registered or deemed to be registered under this Part, but registered in any State in India shall obtain the previous permission of the Board for practising as a medical practitioner in the State on payment of such fees as may be prescribed by rules.

65. (1) Any practitioner registered or deemed to be registered under this Part may make an application to the Board for the removal of his name from the register of practitioners and the Board may on such application direct such removal:

Resignation of registered practitioner.

Provided that no such application from such practitioner for the removal of his name from the register shall be considered during the pendency of any disciplinary proceedings against him, or in case any disciplinary proceedings are contemplated against him, until such proceedings are commenced and concluded:

Provided further that if any such application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the Board, had his name continued to remain on the register, it shall be rejected.

(2) A practitioner whose name has been removed from the register under sub-section (1) may on application being made and on payment of the prescribed fee get himself re-registered if he is at that time eligible for registration under this Part.

66. (1) The Secretary shall, in every year on or before the date to be fixed by the Board, cause to be published in the Gazette a full or supplementary list of the names and qualifications of all practitioners registered or deemed to be registered under this Part and the dates when such qualifications were acquired.

Annual list of practitioners.

(2) The Secretary shall, from time to time, cause to be published in the Gazette the names of such practitioners whose names have been duly removed under any of the provisions of this Part.

(3) In any proceeding it shall be presumed that every person whose name is entered in the list published under sub-section (1) is a registered practitioner and that any person whose name is not so entered is not a registered practitioner:

Provided that, in the case of a person whose name has been entered in the register after the publication of the list, a certified copy signed by the Secretary of the entry of the name of such person in the register shall be evidence that such person is registered under this Part. Such certificate shall be issued free of charge.

67. (1) No practitioner registered or deemed to be registered under this Part who has not undergone a course of practical training in surgery and obstetrics under any modern system of medicine to the satisfaction of the Board shall do any work other than medical work.

Disability.

(2) No registered practitioner shall follow any other profession without the sanction of the Board so long as his name continues in the register.

68. Notwithstanding anything contained in any law for the time being in force—

Privileges.

(1) the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or words importing a person recognised by law as a medical practitioner or member of the medical profession when used in any enactment for the time being in force shall be construed to mean a qualified practitioner registered or deemed to be registered under this Part;

(2) No certificate required by law to be given by a medical practitioner shall be valid unless it is signed by a qualified practitioner registered or deemed to be registered under this Part and approved by the Government in this behalf.

(3) No person other than a qualified practitioner registered or deemed to be registered under this Part shall be eligible to hold, after one year from the commencement of this Act, any appointment as a physician, or vaidyan or other medical officer in any dispensary, hospital, infirmary, nursing home, vaidyasala, dharmasala or other similar institution:

Provided that this sub-section shall not be deemed to operate against a registered practitioner not being the holder of a recognised qualification who at the commencement of this Act holds any such appointment.

69. (1) Any person aggrieved by the decision of the Secretary regarding any entry in the register may appeal to the Board.

Appeal to the Board from the decision of the Secretary.

(2) Such appeal shall be heard and decided by the Board in the manner prescribed by regulations.

(3) The Board may, of its own motion or on application of any person, after due and proper inquiries and after giving an opportunity to the person concerned of

being heard, cancel or alter any entry in the register, if in the opinion of the Board, such entry was fraudulently or incorrectly made.

Appeal to Government from the decision of the Board.

70. An appeal shall lie to the Government from every decision of the Board under Sections 62, 63, 64, and 69. Such appeal shall be preferred within three months from the date on which notice of the order of the Board was issued in such manner and subject to such conditions as may be prescribed by rules.

Alteration of register by Government.

71. The Government may, after giving due notice to the person concerned and to the Board and after inquiry into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Government to have been fraudulently or incorrectly made or brought about be cancelled or amended.

Inquiries.

72. (1) An inquiry under Section 69 may be held by a committee consisting of three members of the Board elected for the purpose. The Board or the committee, as the case may be, may at its discretion hold such inquiry in camera.

(2) When the inquiry is held by a committee, it shall make a report to the Board which shall pass orders under Section 69.

(3) The inquiries under this section shall be conducted in such manner and subject to such conditions as may be prescribed by rules.

Rules.

73. (1) The Government may, after previous publication, make rules to carry out all or any of the purposes of this Part not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules—

(a) with reference to all matters expressly required or allowed by this Part to be prescribed;

(b) with reference to all matters not expressly provided for in this Part relating to the elections of chairman and vice-chairman or members including election petitions and deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited:

Provided that the deposit required shall not exceed fifty rupees ;

(c) as to the manner in which vacancies shall be filled under Section 45 ;

(d) as to the fees and other allowances payable to the chairman, vice-chairman and the other members of the Board under Section 53 ;

(e) as to the salary, allowances and other conditions of service of the Secretary under Section 55 ;

(f) as to the salary, allowances and other conditions of service and the method of recruitment of the officers and servants appointed or employed under Section 55 ;

(g) as to the powers of the Secretary to punish the officers and servants appointed or employed under Section 55 ;

(h) as to the form of the registers and the particulars to be entered therein under Section 56 ;

(i) as to the form of the certificate to be issued under Section 60 and the particulars which it shall contain ;

(j) as to the application of all fees and other amounts received under this Part ;

(k) as to the procedure relating to appeal to the Government from the decisions of the Board under Section 70 ;

(l) as to the procedure relating to inquiries under this Part and the manner in which and the conditions subject to which such inquiries shall be conducted ;

(m) as to the furtherance of any of the objects of the Board.

(3) All rules made under this section shall be published in the Gazette.

Regulations.

74. (1) The Board may, with the previous sanction of the Government, make regulations not inconsistent with this Part or the rules made thereunder for all or any of the following matters, namely :—

(a) the time and place at which the Board shall hold its meetings and the manner in which such meetings shall be convened and held ;

(b) the course of study for training for the qualifying examination and the language in which the examination shall be conducted and instructions shall be given under clause (iii) of sub-section (1) of Section 59 ;

(c) the manner in which appeals against the decisions of the Secretary shall be heard by the Board under Section 69 ;

(d) all other matters which may be necessary for the purposes of carrying out the objects of this Part.

(2) All regulations made under this section and duly confirmed by the Government shall be published in the Gazette.

(3) The Government may by notification in the Gazette cancel any such regulations.

PART IV.

MEDICAL PRACTITIONERS GENERALLY.

Practitioners not registered or deemed to be registered under this Act not to practice.

75. No person other than a practitioner registered or deemed to be registered under Part II or Part III of this Act or a person whose name is entered in the list of practitioners published under Section 30 or Section 66 shall practise or hold himself out, whether directly or by implication as practising any of the modern or indigenous systems of medicine:

Provided that the Government may by notification in the Gazette direct that this section shall not apply to any person or class of persons or to any specified area in the State where no practitioner registered or deemed to be registered under Part II or Part III of this Act carries on medical practice:

Provided further that this section shall not apply to a practitioner having a qualification registrable under Part II or Part III of this Act who after having filed the application for registration is awaiting the decision of the Council or of the Board, or of the Government in case of appeal.

Penalty.

76. Any person who acts in contravention of Section 75 shall on conviction be punishable with fine which may extend to Rs. 100 for the first offence and to Rs. 500 for every subsequent offence after his conviction for such first offence.

Authority to confer title.

77. The right of conferring, granting, or issuing in the State of Travancore-Cochin degrees, diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recepient thereof is qualified to practice any of the modern or indigenous systems of medicine, shall

be exercisable only by such authority, body or institution as the Government may by notification in the Gazette and subject to such conditions and restrictions as it thinks fit to impose, authorise in this behalf.

Prohibition of conferment etc. of degree etc.

78. (1) Save as provided by Section 77, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practise any of the modern or indigenous systems of medicine.

(2) Whoever contravenes the provisions of sub-section (1) shall on conviction be punishable with fine which may extend to Rs. 1,000 and if the person so contravenes is an association, every member of such association who knowingly or wilfully authorises or permits the contravention shall on conviction be punishable with fine which may extend to Rs. 1,000.

Penalty for unauthorised issue of titles, etc., implying medical qualifications.

79. (1) No person shall add to his name any title, letters or abbreviations which imply that he holds a degree, diploma, license or certificate as his qualification to practise any of the modern or indigenous systems of medicine unless—

(a) he actually holds such degree, diploma, license or certificate, and

(b) such degree, diploma, license or certificate—

(i) is recognised by any law for the time being in force in the State of Travancore-Cochin;

(ii) has been conferred, granted or issued by an authority referred to in Schedule I or Schedule II; or

(iii) has been recognised by the Medical Council of India; or

(iv) in cases not falling under sub-clauses (i), (ii) and (iii) has been conferred, granted or issued by an authority empowered or recognised as competent by the Government to confer, grant or issue such degree, diploma, licence or certificate.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable, in the case of a first conviction

with fine which may extend to Rs. 250 and in the case of a subsequent conviction with fine which may extend to Rs. 500.

Penalty for falsely assuming or using medical titles.

80. Whoever wilfully and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by any authority referred to in Section 77 or recognised by the Medical Council of India or that he is qualified to practise any modern or indigenons systems of medicine shall be punishable with fine which may extend to Rs. 250 for the first offence and to fine which may extend to Rs. 500 for every subsequent offence.

Prosecution.

81. Whenever the Conncil or the Board is of the opinion that the prosecution of any person for breaches of any of the provisions of this Act is necessary, the Council or the Board may by resolution recommend to the Government the institution of such prosecution and the Government may thereupon anthorise in writing any officer to initiate such prosecution.

Jurisdiction of Magistrate.

82. (1) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

(2) No court shall take cognisance of any offence under this Act except on a complaint in writing of an officer empowered by the Government in this behalf.

Jurisdiction of Civil Courts barred.

83. No act done in the exercise of any power conferred by or under this Act on the Government, the Council, the Board, the executive committees, the Registrar or the Secretary shall be questioned in any civil court.

PART V.

MISCELLANEOUS.

Power to alter Schedules.

84. The Government may, on the recommendation of the Council or of the Board or otherwise, by notification in the Gazette alter the Schedules.

Repeal.

85. The Travancore Medical Practitioners Act, 1119 (VII of 1119) is hereby repealed.

THE SCHEDULES.

SCHEDULE I.

Recognised Qualifications.

A

Qualifications for the Allopathic System.

I. Any medical degree or diploma granted by—

(i) The University of Travancore;

(ii) Universities established by an Act of Parliament;

(iii) Any other University in India recognised by the Government;

(iv) State Medical Faculty of Bengal;

(v) College of Physicians and Surgeons of Bombay;

(vi) Board of Examiners, Medical College, Madras.

II. All qualifications recognised by the Medical Council of India.

B

Qualifications for the Homeopathic System.

All qualifications which may be recognised by the Government or the Government of any State in India or the Medical Council of India.

C

Qualifications for Dentistry.

1. Qualifications registrable by the Dental Board of the United Kingdom

2. Dental degrees or diplomas obtained from the—

(a) De Montemorency College of Dentistry, Lahore.

(b) Calcutta Dental College and Hospital, Calcutta, and

(c) Nair Hospital, Dental College, Bombay.

FORMS.

FORM I.

CERTIFICATE OF TEN YEARS PRACTICE REFERRED TO IN SECTION 23 (2).

Office of the......................................

Dated.............................19 .

On the basis of the records in this Office or facts known after due inquiry I certify that Sri...has been shown or proved as following the occupation of a practitioner of the....................... system of medicine for not less than ten years as shown below :—

(a) at 1	(b) from..................to....................
2	from..................to....................
3	from..................to....................

1. The date of birth of the applicant.
2. Present occupation of the applicant.
3. Father's name and occupation.
4. Other occupations (if any) of the applicant.

Signature.

Designation.

(a) Here enter the name or names of the place or places where the applicant is shown of practising or having practised.

(b) Here enter the dates showing the beginning and termination of practice in each place.

N. B. (1) The certificate should bear the date stamp of the office of issue, if any.

(2) The printed wordings in the certificate should not be altered.

(3) Other occupations to be noted in this column are other occupations followed during the periods of practice noted above

FORM II.

APPLICATION FOR REGISTRATION REFERRED TO IN SECTION 24 (1).

Professional address.

Dated 19 .

To

The Registrar,
The Council of Modern Systems of Medicine,
Travancore-Cochin,
Trivandrum.

Sir,

I have the honour to request that my name may be registered under Part II of the Travancore-Cochin Medical Practitioners' Act, 1952 and that I may be furnished with a certificate of registration.

2. The information necessary for registration is specified below.

3. The diploma which I possess is forwarded herewith in original which please return when no longer required.

4. The registration fee of Rs. 20 is herewith sent.

Yours faithfully,

(*Signature*)

Applicant's name in full (the full signification of the initials which stand before the name should be given)

Father's name.

Medical qualifications of which registration is required.

College or school where each was obtained.

Year of diploma.

Any remarks.

SCHEDULE II.

RECOGNISED QUALIFICATIONS.

A

QUALIFICATIONS FOR AYURVEDIC AND SIDDHA SYSTEMS.

Certificate or diploma granted by—

1. His Highness the Maharaja's Ayurveda College, Trivandrum or the Government of Travancore-Cochin.
2. The Benares Hindu University, Benares.
3. The Mysore Government Ayurvedic Vidyalaya, Mysore.
4. The All Travancore Siddha Vaidya Sanghom, Munchira upto the last day of May 1947.

B

QUALIFICATIONS FOR UNANI TIBBI SYSTEM.

Certificate or diploma granted by—

1. The Government of Madras,
2. The Tibbi College, Delhi and
3. The Aligarh University.

FORMS.

FORM I.

CERTIFICATE OF TEN YEARS PRACTICE REFERRED TO IN SECTION 59 (2).

Office of the

Dated 19 .

On the basis of the records in this office or facts known after due inquiry I certify that Sri.............................has been shown or proved as following the occupation of a practitioner of the .... system of medicine for not less than ten years as shown below :—

(a)	at	1	(b)	from	to
		2		from	to
		3		from	to

1. The date of birth of the applicant.
2. Present occupation of the applicant.
3. Father's name and occupation.
4. Other occupations (if any) of the applicant.

Signature

Designation.

(a) Here enter the name or names of the place or places where the applicant is shown as practising or having practised.

(b) Here enter the dates showing the beginning and termination of practice in each place.

N. B. (1) The certificate should bear the date stamp of the office of issue, if any.

(2) The printed wordings in the certificate should not be altered.

(3) Other occupations to be noted in this column are other occupations followed during the periods of practice noted above.

FORM II.

Application for registration referred to in Section 60 (1).

Professional address :

Dated . .. 19 .

To

The Secretary,

The Board of Indigenous Systems of Medicine, Travancore-Cochin,

Trivandrum.

Sir,

I have the honour to request that my name may be registered under Part III of the Travancore-Cochin Medical Practitioners' Act, 1952 and that I may be furnished with a certificate of registration.

2. The information necessary for registration is specified below.

3. The diploma which I possess is forwarded herewith in original which please return when no longer required.

4. The registration fee of Rs. 20 is herewith sent.

Yours faithfully,

(*Signature*)

Applicant's name in full (the full signification of the initials which stand before the name should be given).

Father's name.

Medical qualifications of which registration is required.

College or School where each was obtained.

Year of diploma.

Any remarks.

Statement of Objects and Reasons.

In the Travancore area there is in force the Travancore Medical Practitioners' Act, 1119 which provides for the registration of medical practitioners of both modern and indigenous systems of medicine and for the constitution of a Medical Council to carry out the objects of that Act. There is no such law in force in the Cochin area. It is considered necessary to have a uniform law relating to medical practitioners which will apply to the whole State. It is also considered necessary to constitute separate councils for modern systems of medicine (Allopathy, Homeopathy and Dentistry) and for indigenous systems of medicine (Ayurveda, Siddha and Unani Tibbi). The Bill seeks to repeal the Travancore Medical Practitioners' Act, 1119 and to enact a new measure to achieve the objects above referred to.

V. MADHAVAN.

FINANCIAL MEMORANDUM

The provisions of clauses 17 and 53 of the Bill respectively relate to the payment of allowances to the members of the Council of Modern Systems of Medicine and the Board of Indigenous Systems of Medicine. The Council of Modern Systems of Medicine shall consist of eleven members including the President and the Vice-President. Similarly, there shall be eleven members in the Board of Indigenous Systems of Medicine including the Chairman and the Vice-Chairman. The President, Vice-President and other members of the Council, and the Chairman, Vice-Chairman and other members of the Board shall be paid such fees and allowances for attendance in connection with the meetings of the Council and the Board or of any committee thereof and such reasonable travelling allowance as shall from time to time be prescribed by Rules. Similar fees and allowances are being paid to the members (seventeen) of the existing Medical Council constituted under the Travancore Medical Practitioners' Act, the expenditure being met from the Medical Budget. Decision regarding fees and T. A. to be given to the members of the Council and the Board has not been made.

2. The provisions of clauses 19 and 55 of the Bill relate to the appointment of a Registrar and his staff for the Council, and a Secretary and his staff for the Board, respectively. The Registrar and the Secretary will have to be given such salary and allowances as may be prescribed. Similarly, the staff attached to the office of the Registrar and the Secretary will have to be given pay, allowances, etc, Under the T. M. P. Act, there is a Registrar of the Medical Council, who is also the Registrar of the Nurses' Council. He is given a staff to assist him. Their pay and allowances are paid from the General Revenues, the expenditure being debited to the Medical Budget. No decision has been arrived at in respect of the pay and allowances to be paid to the Registrar, Secretary, etc. and in regard to the strength of the staff. It has not been decided whether a separate Secretary and staff for the Board over and above the Registrar and the staff for the Council will be necessary. Pending decision on the above points, the expenditure involved cannot be estimated now definitely.

V. MADHAVAN